

AS

Notice of Allowability

Application No.

09/868,143

Examiner

Shay L Balsis

Applicant(s)

ZIMMER, JOACHIM2

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/5/04.
2. ☒ The allowed claim(s) is/are 1-6 and 9-11.
3. ☒ The drawings filed on 15 June 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>2/10/04</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Striker on 2/10/04.

The application has been amended as follows:

Claim 1, line 2 after "one wiper arm" add-(35)-

Claim 1, line 3 after "first pivot lever" add-(5)-

Claim 1, line 4 after "shaft" add-(21)-

Claim 1, line 4 after "second pivot lever" add-(7)-

Claim 1, line 5 after "second shaft" add-(29)-

Claim 4, line 1 change "2" to--3-.

Claim 9, line 1 after "system" add-of-

Claim 10, line 3 after "wiper arm" add-(35)-

Claim 10, line 4 after "first pivot lever" add-(5)-

Claim 10, line 5 after "first shaft" add-(21)-

Claim 10, line 6 after "pivot lever" add-(7)-

Claim 10, line 7 after "second shaft" add-(29)-

Claim 10, line 8 after "drive crank" add-(43)-

Claim 10, line 8 after "first shaft" add-(21)-

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Claim 10, line 9 after "drive crank" add -(45)-

Claim 10, line 10 after "second shaft" add -(29)-

Claim 10, line 11 after "coupling member" add -(47)-

Claim 10, line 21 after "drive cranks" add -(43,45)-

Claim 10, line 23 after "coupling member" add -(47)-

Claim 10, line 24 after "drive crank" add -(43)-

Claim 10, line 26 after "drive crank" add -(43)-

Claim 10, line 27 after "drive crank" add -(45)-

Claim 10, line 29 after "second coupling part" add -(13)-

Claim 10, line 29 after "first coupling part" add -(11)-

Claim 10, line 30 after "first pivot lever" add -(5)-

Claim 10, line 30 after "second pivot lever" add -(7)-

The following is an examiner's statement of reasons for allowance:

Claims 1 and 10 state that there is a first coupling means and second coupling means.

The first coupling means comprises two coupling parts connected by a joint wherein each part is connected to a pivot lever. The second coupling means connects a first and second pivot lever.

Hayashi (USPN 5920948) teaches a first and second pivot lever connected by a first coupling means wherein the first coupling means comprises multiple parts connected by a joint. Hayashi fails to teach a second coupling means that connects the first and second pivot lever. It would not have been obvious to one ordinary skill in the art at the time the invention was made to add a

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second coupling means to Hayashi since the second coupling means is used to control movement of the wiper arm and Hayashi already teaches a drive arm to control movement.

Enger-Walter (DE 3734201), Leroy (USPN 5830885) and Kuehbauch all teach a first and second pivot lever connected by a first coupling means wherein the first coupling means comprises multiple parts connected by a joint. The claimed invention states that the second part, which is connected to the wiper arm, is longer than the first part. The references fail to teach a second part being longer than then a first part nor do the references teach a second coupling means that connects the first and second pivot lever. It would not have been obvious to one ordinary skill in the art at the time the invention was made to add a second coupling means or to change the lengths of the coupling parts in the references to achieve the claimed invention as claimed in claims 1 and 10.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

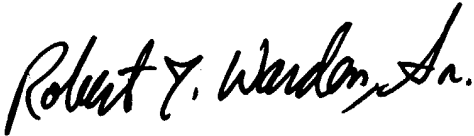
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 571-272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Slb
2/10/04


ROBERT J. WARDEN, SR.
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